

CLOSED

**U. S. District Court  
Western District of Arkansas (Harrison)  
CIVIL DOCKET FOR CASE #: 3:10-cv-03117-PKH**

Adams et al v. United States Department of Justice et al  
Assigned to: Honorable P. K. Holmes, III  
Cause: 05:552 Freedom of Information Act

Date Filed: 12/07/2010  
Date Terminated: 11/02/2012  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff****Dale B Adams**

represented by **Dale B Adams**  
2313 Anvil Drive  
Harrison, AR 72601  
PRO SE

**Plaintiff**

**Cherie Adams**  
*TERMINATED: 01/18/2011*

represented by **Cherie Adams**  
2313 Anvil Drive  
Harrison, AR 72601  
PRO SE

V.

**Defendant****United States Department of Justice**

represented by **Claude S. Hawkins , Jr.**  
U.S. Attorney's Office  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Defendant**

**Eric H. Holder**  
*United States Attorney General*

represented by **Claude S. Hawkins , Jr.**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Deborah Fennell Groom**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
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12/07/2010	<u>1</u>	COMPLAINT against Eric H. Holder, United States Department of Justice, filed by Dale B Adams, Cherie Adams. (Attachments: # <u>1</u> Exhibit A–Freedom of Information Act request, # <u>2</u> Exhibit B–Letter of 11/17/10 from US Dept of Justice, # <u>3</u> Exhibit C–Letter of 8/31/09, # <u>4</u> Exhibit D–Request for Formal Investigation, 10/29/09, # <u>5</u> Exhibit E–Harrison Police Dept Evidence/Property Receipt)(sh) (Entered: 12/07/2010)
12/07/2010	<u>2</u>	ORDER directing re <u>1</u> the Complaint be provisionally filed prior to a determination regarding Plaintiffs status as a pauper and service of process, and the Clerk of Court is directed to file the Complaint, and is further directed to mail Mrs. Adams a blank in forma pauperis application. Mrs. Adams is given until December 30, 2010, to either complete and return the in forma pauperis application or pay the \$350.00 filing fee. If Mrs. Adams fails to return the completed in forma pauperis application by December 30, 2010, the complaint will become subject to summary dismissal for failure to obey an order of the Court. Mrs. Adams is also reminded that an individual may represent herself but she may not be represented by another individual unless he or she is a licensed attorney.. Signed by Honorable James R. Marschewski on December 7, 2010. (sh) (Entered: 12/07/2010)
12/07/2010	<u>3</u>	CIVIL COVER SHEET for case initiated by Cherie Adams, Dale B Adams. (sh) (Entered: 12/07/2010)
12/07/2010	<u>4</u>	MOTION for Leave to Proceed in forma pauperis filed by Dale B Adams. (sh) (Entered: 12/07/2010)
12/07/2010		Remark: as directed by the order dated this 12/7/10, a blank in forma pauperis application has been mailed to separate plaintiff Cherie L. Adams. (sh) (Entered: 12/07/2010)
12/16/2010	<u>5</u>	MOTION to Appoint Counsel filed by Cherie Adams, and Dale B Adams. (sh) (Entered: 12/16/2010)
12/16/2010	<u>6</u>	MOTION for Leave to Proceed in forma pauperis filed by Cherie Adams. (sh) (Entered: 12/16/2010)
12/16/2010		TEXT ONLY: MOTION for Service by Dale B Adams. (rw) (Entered: 12/16/2010)
12/16/2010		TEXT ONLY: MOTION for Service by Cherie Adams. (rw) (Entered: 12/16/2010)
12/16/2010		MOTIONS REFERRED: <u>4</u> MOTION for Leave to Proceed in forma pauperis, MOTION for Service, MOTION for Service, <u>6</u> MOTION for Leave to Proceed in forma pauperis. Motions referred to Honorable James R. Marschewski.(rw) (Entered: 12/16/2010)
12/23/2010	<u>7</u>	NOTICE of Freedom of Information Act Request by Cherie Adams, Dale B Adams (Attachments: # <u>1</u> Exhibit A – re Public Food Safety)(rw) (Entered: 12/23/2010)
12/23/2010	<u>8</u>	NOTICE of Formal Letter by Cherie Adams, Dale B Adams (rw) (Entered: 12/23/2010)
12/23/2010	<u>9</u>	NOTICE of Formal Letter by Cherie Adams, Dale B Adams (Attachments: # <u>1</u> Exhibit A – Formal Letter)(rw) (Entered: 12/23/2010)
01/10/2011	<u>10</u>	AMENDED COMPLAINT as to <u>1</u> Complaint against Eric H. Holder and the United States Department of Justice, filed by Dale B Adams. Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit 1, # <u>7</u> Exhibit A1, # <u>8</u> Exhibit B1, # <u>9</u> Exhibit C1, # <u>10</u> Exhibit D1, # <u>11</u> Exhibit E1, # <u>12</u> Exhibit F1, # <u>13</u> Exhibit G1, # <u>14</u> Exhibit H1, # <u>15</u> Exhibit i, # <u>16</u> Exhibit ii, # <u>17</u> Exhibit iii, # <u>18</u> Exhibit iv, # <u>19</u> Exhibit v, # <u>20</u> GAO Doc)(jas) (Entered: 01/10/2011)
03/08/2011	<u>12</u>	MOTION to Amend filed by Dale B Adams. (Attachments: # <u>1</u> Exhibit A–FIA Expedited Processing Request, # <u>2</u> Exhibit B–Amended Complaint for Injunctive Relief)(sh) (Entered: 03/08/2011)
06/08/2011	<u>13</u>	ORDER denying <u>5</u> Motion to Appoint Counsel and granting <u>12</u> Motion to file and Amend the Complaint along with attachments. Signed by Honorable James R. Marschewski on June 8, 2011. (sh) Modified on 6/10/2011 to edit document (lw). (Entered: 06/08/2011)

06/08/2011	<u>14</u>	AMENDED COMPLAINT against Eric H. Holder, United States Department of Justice, filed by Dale B Adams. (Attachments: # <u>1</u> Exhibit A–Freedom of information act, expedited processing request, # <u>2</u> Exhibit B–Form No 005A–10:10 US Dept of Justice, # <u>3</u> Exhibit C–Death Certificate)(sh) (Entered: 06/08/2011)
06/08/2011	<u>15</u>	ORDER granting <u>4</u> Plaintiff Dale B. Adams Motion for Leave to Proceed in forma pauperis, further denying as moot <u>6</u> the Motion for Leave to Proceed in forma pauperis filed by Cherie Adams as she has been terminated from this case, <u>6</u> , and DIRECTING SERVICE on Eric H. Holder, United States Department of Justice, 950 Pennsylvania Ave., N.W., Washington, D.C. 20530–0001, and and the United States Attorney for the Western District of Arkansas, or his assistant, in Fort Smith, AR, by sending a copy of the summons and complaint registered mail, return receipt requested and granting (60) days to answer. Signed by Honorable James R. Marschewski on June 8, 2011. (sh) (Entered: 06/08/2011)
06/08/2011		(2)USM285 Forms Delivered to USMS re <u>15</u> Order Directing Service. (sh) (Entered: 06/08/2011)
06/15/2011	<u>16</u>	USM/285 SUMMONS Returned Executed upon United States Department of Justice served on 6/9/2011, answer due 8/8/2011. (sh) (Entered: 06/15/2011)
08/01/2011	<u>17</u>	MOTION for Extension of Time to File Response/Reply as to <u>1</u> Complaint, by Eric H. Holder, United States Department of Justice. (Hawkins, Claude) (Entered: 08/01/2011)
08/02/2011		TEXT ONLY ORDER granting <u>17</u> Motion for Extension of Time. Defendants' response to the Complaint is due September 22, 2011. Signed by Honorable Jimm Larry Hendren on August 2, 2011. (kcg) (Entered: 08/02/2011)
09/22/2011	<u>18</u>	ANSWER to <u>14</u> Amended Complaint, by Eric H. Holder, United States Department of Justice.(Groom, Deborah) (Entered: 09/22/2011)
10/18/2011	<u>19</u>	INITIAL SCHEDULING ORDER: Final Scheduling Order issue date 12/19/2011. Bench Trial set for 9/10/2012 08:30 AM in Harrison — 2nd flr (Rm 231) before Honorable Jimm Larry Hendren. Signed by Honorable Jimm Larry Hendren on October 18, 2011. (gg) (Entered: 10/18/2011)
11/02/2011		TEXT ONLY MEMO OF REASSIGNMENT. Case Reassigned to Honorable P. K. Holmes, III. Honorable Jimm Larry Hendren no longer assigned to the case. (mfr) (Entered: 11/02/2011)
12/02/2011	<u>20</u>	MOTION to Amend/Correct <u>19</u> Initial Scheduling Order <i>to Set Briefing Schedule</i> by Eric H. Holder, United States Department of Justice. (Groom, Deborah) (Entered: 12/02/2011)
12/02/2011	<u>21</u>	MEMORANDUM BRIEF in Support of <u>20</u> MOTION to Amend/Correct <u>19</u> Initial Scheduling Order <i>to Set Briefing Schedule</i> by Eric H. Holder, United States Department of Justice. (Groom, Deborah) (Entered: 12/02/2011)
12/07/2011	<u>22</u>	ORDER granting in part and denying in part <u>20</u> defendants Motion to Amend/Correct. The court orders that, to the extent defendants seek amendment or correction of the Initial Scheduling Order, their Motion is DENIED, and that the deadlines set forth in the Initial Scheduling Order <u>19</u> should be and are TEMPORARILY STAYED. It is further ordered that parties are directed to file any Motions for Summary Judgment on or before January 3, 2012. Responses are due 14 days after the filing date of any such motion, with replies due 10 days after the filing of any response. Should the parties fail to timely file a Motion for Summary Judgment, the court will enter an Order lifting the temporary stay and directing the parties to confer in accordance with Fed. P.26(f). Signed by Honorable P. K. Holmes, III on December 7, 2011. (sh) (Entered: 12/07/2011)
12/07/2011	<u>23</u>	MOTION for Expedited processing or mediation by Dale B Adams. (rw) Modified on 12/7/2011 to edit text (rw). (Entered: 12/07/2011)
12/08/2011		TEXT ONLY ORDER denying <u>23</u> Motion to Expedite. In an attempt to ensure the efficient progression of this litigation, the Court has set forth a briefing schedule for the parties to file Motions for Summary Judgment should they choose to do so.

		The Court finds that no other measures are reasonable or necessary to expedite the processing of this case at this time. Signed by Honorable P. K. Holmes, III on December 8, 2011. (jlg) (Entered: 12/08/2011)
12/16/2011	<u>24</u>	***DISREGARD – FILED IN ERROR*** AMENDED FINAL SCHEDULING ORDER: Bench Trial set for 9/24/2012 at 09:00 AM in Harrison — 2nd flr (Rm 231) before Honorable P. K. Holmes, III.Signed by Jane Ann Short, Courtroom Deputy for Honorable P. K. Holmes, III on December 16, 2011. Copy of order mailed to non-CM/ECF participant. (jas) Modified text on 12/16/2011 (jas). Modified text on 12/28/2011 (jas). Copy of regenerated NEF mailed to non-CM/ECF participant. (Entered: 12/16/2011)
12/28/2011	<u>25</u>	MOTION for Leave to Amend complaint, filed by Dale B Adams. (sh) (Entered: 12/28/2011)
12/28/2011		TEXT ONLY ORDER Setting/Resetting Hearings: Bench Trial RE–SET for 9/24/2012 at 09:00 AM in Harrison — 2nd flr (Rm 231) before Honorable P. K. Holmes, III.Signed by Honorable P. K. Holmes, III on December 28, 2011. Copy of Text Only Order mailed to non-CM/ECF participant. (jas) (Entered: 12/28/2011)
12/28/2011		TEXT ONLY ORDER REFERRING MOTION: <u>25</u> MOTION for Leave to Amend Complaint filed by Dale B Adams. Signed by Honorable P. K. Holmes, III on December 28, 2011. Motions referred to Honorable James R. Marschewski.(jlg) (Entered: 12/28/2011)
12/29/2011	<u>26</u>	MOTION for Extension of Time to File <i>Motion for Summary Judgment</i> by Eric H. Holder, United States Department of Justice. (Groom, Deborah) (Entered: 12/29/2011)
12/30/2011		TEXT ONLY ORDER granting <u>26</u> Motion for Extension of Time to File Motion for Summary Judgment. The parties' deadline to file a Motion for Summary Judgment is extended to February 2, 2012. The temporary stay of the deadlines set forth in the ISO is extended accordingly. Signed by Honorable P. K. Holmes, III on December 30, 2011. (jlg) (Entered: 12/30/2011)
01/05/2012	<u>27</u>	MOTION to Amend Complaint <u>14</u> Amended Complaint, by Dale B Adams. (Attachments: # <u>1</u> Amended Complaint, # <u>2</u> Exhibit A – Freedom of Information Act, # <u>3</u> Exhibit B – US Dept of Justice, # <u>4</u> Exhibit C – Cert of Death, # <u>5</u> Exhibit D – Affidavit, # <u>6</u> Exhibit E – Letter dd 3–31–11, # <u>7</u> Exhibit F – Letter dd 7–12–11, # <u>8</u> Exhibit G – Affidavit)(rw) (Entered: 01/05/2012)
01/06/2012		TEXT ONLY ORDER REFERRING MOTION: <u>27</u> MOTION to Amend/Correct <u>14</u> Amended Complaint, MOTION to Amend/Correct <u>14</u> Amended Complaint, filed by Dale B Adams. Signed by Honorable P. K. Holmes, III on January 6, 2012. Motions referred to Honorable James R. Marschewski.(jlg) (Entered: 01/06/2012)
01/09/2012	<u>28</u>	MOTION and Brief for Summary Judgment by Dale B Adams. (sh) Modified on 1/10/2012 edit file date.(sh). (Entered: 01/10/2012)
01/09/2012	<u>29</u>	STATEMENT OF FACTS in support of <u>28</u> MOTION for Summary Judgment by Dale B Adams. (Attachments: # <u>1</u> Exhibit A–Freedom of Information Act Request on 12/17/11, # <u>2</u> Exhibit B–FOIA Request of 12/17/11, # <u>3</u> Exhibit C–Letter of 12/7/11, # <u>4</u> Exhibit D–Letter of 10/19/11 from Pro Se Law Clerk SG to Adams, # <u>5</u> Exhibit D–Transaction Log–Adams of 7/25/11)(sh) Modified on 1/10/2012 to edit file date. (sh). (Entered: 01/10/2012)
01/24/2012		TEXT ONLY ORDER REFERRING MOTION: <u>28</u> MOTION for Summary Judgment filed by Dale B Adams. Signed by Honorable P. K. Holmes, III on January 24, 2012. Motions referred to Honorable James R. Marschewski.(jlg) (Entered: 01/24/2012)
01/24/2012	<u>30</u>	RESPONSE to Motion re <u>28</u> MOTION for Summary Judgment filed by Eric H. Holder, United States Department of Justice. (Hawkins, Claude) (Entered: 01/24/2012)
01/24/2012	<u>31</u>	MEMORANDUM BRIEF in Support of <u>30</u> Response to Motion by Eric H. Holder, United States Department of Justice. (Hawkins, Claude) (Entered: 01/24/2012)

01/24/2012	<u>32</u>	STATEMENT OF FACTS in support of <u>30</u> Response to Motion by Eric H. Holder, United States Department of Justice. (Hawkins, Claude) (Entered: 01/24/2012)
01/26/2012	<u>33</u>	MOTION for Leave to File Electronic Documents and Brief in Support by Dale B Adams. (lw) (Entered: 01/26/2012)
01/27/2012		TEXT ONLY ORDER REFERRING MOTION: <u>33</u> MOTION for Leave to File Electronic Documents filed by Dale B Adams. Signed by Honorable P. K. Holmes, III on January 27, 2012. Motions referred to Honorable James R. Marschewski.(jlg) (Entered: 01/27/2012)
01/31/2012	<u>34</u>	REPLY to Response and Brief to Motion re <u>28</u> to Defendants opposition to motion for Summary Judgment filed by Cherie Adams. (Attachments: # <u>1</u> Supplement–Statement of Material Facts, # <u>2</u> Exhibit A–Request for Formal Investigation, # <u>3</u> Exhibit B–Crimes of Mena, # <u>4</u> Exhibit C–Request FOIA 2010–3167, # <u>5</u> Exhibit D–Cover Sheet–Formal Letter)(sh) (Entered: 01/31/2012)
02/02/2012	<u>35</u>	MOTION for Summary Judgment by Eric H. Holder, United States Department of Justice. (Attachments: # <u>1</u> Exhibit Declaration of Kornmeier)(Groom, Deborah) (Entered: 02/02/2012)
02/02/2012	<u>36</u>	MEMORANDUM BRIEF in Support of <u>35</u> MOTION for Summary Judgment by Eric H. Holder, United States Department of Justice. (Groom, Deborah) (Entered: 02/02/2012)
02/02/2012	<u>37</u>	STATEMENT OF FACTS in support of <u>35</u> MOTION for Summary Judgment by Eric H. Holder, United States Department of Justice. (Groom, Deborah) (Entered: 02/02/2012)
02/03/2012		TEXT ONLY ORDER REFERRING MOTION: <u>35</u> MOTION for Summary Judgment filed by United States Department of Justice, Eric H. Holder. Signed by Honorable P. K. Holmes, III on February 3, 2012. Motions referred to Honorable James R. Marschewski.(jlg) (Entered: 02/03/2012)
02/07/2012	<u>38</u>	MOTION and BRIEF in Support to Strike <u>14</u> Amended Complaint, <u>10</u> Amended Complaint, and incriminating pleadings by Dale B Adams. (rw) (Entered: 02/07/2012)
02/08/2012		TEXT ONLY ORDER REFERRING MOTION: <u>38</u> MOTION to Strike <u>14</u> Amended Complaint, <u>10</u> Amended Complaint, filed by Dale B Adams. Signed by Honorable P. K. Holmes, III on February 8, 2012. Motions referred to Honorable James R. Marschewski.(jlg) (Entered: 02/08/2012)
02/27/2012	<u>39</u>	NOTICE of Constitutional Challenge by Dale B Adams (rw) (Entered: 02/27/2012)
03/29/2012	<u>40</u>	MOTION to Dismiss Case by Dale B Adams. (rw) (Entered: 03/29/2012)
04/02/2012	<u>41</u>	RESPONSE to Motion re <u>40</u> MOTION to Dismiss Case filed by Eric H. Holder, United States Department of Justice. (Groom, Deborah) (Entered: 04/02/2012)
04/09/2012	<u>42</u>	MOTION to Withdraw <u>40</u> MOTION to Dismiss Case by Dale B Adams. (rw) (Entered: 04/09/2012)
05/03/2012		TEXT ONLY ORDER granting <u>42</u> Motion to Withdraw Motion; Motions terminated: <u>40</u> MOTION to Dismiss Case filed by Dale B Adams. Signed by Honorable P. K. Holmes, III on May 3, 2012. (jlg) (Entered: 05/03/2012)
07/02/2012	<u>43</u>	ORDER denying <u>25</u> Motion for Leave, denying <u>27</u> Motion to Amend/Correct, denying <u>33</u> Motion for leave to file Documents Electronically and denying <u>38</u> Motion to Strike. Signed by Honorable James R. Marschewski on July 2, 2012. (lw) (Entered: 07/02/2012)
08/08/2012	<u>44</u>	REPORT AND RECOMMENDATIONS re <u>28</u> MOTION for Summary Judgment filed by Dale B Adams, <u>35</u> MOTION for Summary Judgment filed by United States Department of Justice, and Eric H. Holder. Objections to RRdue by 8/27/2012. Signed by Honorable James R. Marschewski on August 8, 2012. (lw) (Entered: 08/08/2012)



08/17/2012	<u>45</u>	MOTION for Appointment of Counsel by Dale B Adams. (rw) (Entered: 08/17/2012)
08/17/2012	<u>46</u>	MOTION for Court Order by Dale B Adams. (rw) (Entered: 08/17/2012)
09/10/2012		TEXT ONLY ORDER canceling bench trial set for 9/24/2012. Signed by Honorable P. K. Holmes, III on September 10, 2012. (jas) Modified text on 9/10/2012 (jas). (Entered: 09/10/2012)
09/26/2012	<u>47</u>	ORDER ADOPTING <u>44</u> REPORT AND RECOMMENDATIONS in its entirety. Further denying <u>28</u> Motion for Summary Judgment and granting in part and denying in part <u>35</u> Motion for Summary Judgment, as set forth. The Defendants are directed to submit Document 3 for in camera review by the Court by 10/5/12. Signed by Honorable P. K. Holmes, III on September 26, 2012. (lw) (Entered: 09/26/2012)
09/26/2012		TEXT ONLY ORDER REFERRING MOTIONS: <u>45</u> MOTION to Appoint Counsel filed by Dale B Adams, and <u>46</u> MOTION for Order filed by Dale B Adams. Signed by Honorable P. K. Holmes, III on September 26, 2012. Motions referred to Honorable James R. Marschewski.(jlg) (Entered: 09/26/2012)
10/02/2012	<u>48</u>	MOTION and MEMO BRIEF in support to Suppress evidence by Dale B Adams. (rw) (Entered: 10/02/2012)
10/09/2012		TEXT ONLY ORDER REFERRING MOTION: <u>48</u> MOTION to Suppress filed by Dale B Adams. Signed by Honorable P. K. Holmes, III on October 9, 2012. Motions referred to Honorable James R. Marschewski.(jlg) (Entered: 10/09/2012)
10/10/2012	<u>49</u>	REPORT AND RECOMMENDATIONS re <u>35</u> , filed by Dale B Adams. Objections to RRdue by 10/29/2012. Signed by Honorable James R. Marschewski on October 10, 2012. (rw) (Entered: 10/10/2012)
10/15/2012	<u>50</u>	RESPONSE to Motion re <u>48</u> MOTION to Suppress filed by Eric H. Holder, United States Department of Justice. (Groom, Deborah) (Entered: 10/15/2012)
11/02/2012	<u>51</u>	ORDER ADOPTING <u>49</u> REPORT AND RECOMMENDATIONS in its entirety. Further Plaintiff's case is dismissed with prejudice, as set forth. Signed by Honorable P. K. Holmes, III on November 2, 2012. (lw) (Entered: 11/02/2012)